

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 DAMON L. CAMPBELL,

4 Plaintiff,

Case No. 2:21-cv-00912-APG-BNW

5 v.

6 DEAN WILLETT, et al.,

7 Defendants.

8
ORDER

9 This action began with a *pro se* civil-rights complaint filed under 42 U.S.C. § 1983
10 by a state prisoner. Plaintiff has filed an application to proceed *in forma pauperis*. (ECF
11 No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable
12 to prepay the full filing fee in this matter.

13 The Court entered a screening order on October 25, 2021. (ECF No. 7). The
14 screening order imposed a 90-day stay and the Court entered a subsequent order in
15 which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos.
16 7, 9). The Office of the Attorney General has filed a status report indicating that settlement
17 has not been reached and informing the Court of its intent to proceed with this action.
18 (ECF No. 12).

19 For the foregoing reasons, **IT IS ORDERED** that:

20 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is
21 **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. If
22 this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C.
23 § 1915(b)(2).

24 2. The movant herein is permitted to maintain this action to conclusion without
25 the necessity of prepayment of any additional fees or costs or the giving of security
26 therefor.

27 3. Pursuant to 28 U.S.C. § 1915, as amended by the Prison Litigation Reform
28 Act, the Nevada Department of Corrections will forward payments from the account of

1 Damon L. Campbell, #71683 to the Clerk of the United States District Court, District of
2 Nevada, 20% of the preceding month's deposits (in months that the account exceeds
3 \$10.00) until the full \$350 filing fee has been paid for this action. The Clerk of the Court
4 will send a copy of this order to: (1) the Finance Division of the Clerk's Office and (2) to
5 the attention of **Chief of Inmate Services for the Nevada Department of Corrections**,
6 P.O. Box 7011, Carson City, NV 89702.

7 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and
8 a copy of Plaintiff's First Amended Complaint (ECF No. 6) on the Office of the Attorney
9 General of the State of Nevada by adding the Attorney General of the State of Nevada to
10 the docket sheet. This does not indicate acceptance of service.

11 5. Service must be perfected within ninety (90) days from the date of this order
12 pursuant to Fed. R. Civ. P. 4(m).

13 6. Subject to the findings of the screening order (ECF No. 7) within 21 days of
14 the date of entry of this order, the Attorney General's Office shall file a notice advising the
15 Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the
16 names of the defendants for whom it does not accept service, and (c) the names of the
17 defendants for whom it is filing the last-known-address information under seal. As to any
18 of the named defendants for whom the Attorney General's Office cannot accept service,
19 the Office shall file, under seal, but shall not serve the inmate Plaintiff the last known
20 address(es) of those defendant(s) for whom it has such information. If the last known
21 address of the defendant(s) is a post office box, the Attorney General's Office shall
22 attempt to obtain and provide the last known physical address(es).

23 7. If service cannot be accepted for any of the named defendant(s), Plaintiff
24 shall file a motion identifying the unserved defendant(s), requesting issuance of a
25 summons, and specifying a full name and address for the defendant(s). For the
26 defendant(s) as to which the Attorney General has not provided last-known-address
27 information, Plaintiff shall provide the full name and address for the defendant(s).

8. If the Attorney General accepts service of process for any named defendant(s), such defendant(s) shall file and serve an answer or other response to the First Amended Complaint (ECF No. 6) within 60 days from the date of this order.

9. Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. If Plaintiff electronically files a document with the Court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the Court, Plaintiff shall include with the original document submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney named in the notice of appearance, at the physical or electronic address stated therein. The Court may disregard any document received by a district judge or magistrate judge which has not been filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service when required.

10. This case is no longer stayed.

DATED: February 24, 2022.

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE